

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CRIMINAL NO. 2:00CR12

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
Vs.)
)
DAWNENA KALONAHESKIE,)
)
Defendant,)
)
And)
)
EASTERN BAND OF CHEROKEE)
INDIANS,)
)
Garnishee.)
_____)

ORDER

THIS MATTER is before the Court on the Answer of the Garnishee The Eastern Band of Cherokee Indians, filed July 1, 2005.

On April 9, 2003, the United States filed an application for a writ of garnishment in this matter to garnish the Defendant's distributive share of tribal gaming proceeds. On that same date, notice of the garnishment and instructions to the Defendant were filed. On June 10, 2003, the undersigned issued the writ of continuing garnishment to the Eastern Band of Cherokee Indians. On that same date, instructions were provided to the Defendant.

Over two years later, on June 22, 2005, the United States filed a certificate of service of the garnishment documents. This service, apparently, prompted the Eastern Band of Cherokee

Indians to file an answer as the Garnishee of the gaming proceeds. The Government has failed to respond to the answer.

The Court does not know why service of the garnishment documents was not accomplished at the time they were filed. Moreover, since the Government has failed to file response to the answer, one will be ordered.

IT IS, THEREFORE, ORDERED that on or before 15 days from entry of this Order, the United States shall file response to the answer of the Garnishee and included therein an explanation for the delay in the service of the garnishment documents.

Signed: July 28, 2005

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg
United States District Judge

